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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,623	02/19/2004	Kia Silverbrook	ZE031US	2760
24011	7590	08/12/2004	EXAMINER	
SILVERBROOK RESEARCH PTY LTD 393 DARLING STREET BALMAIN, 2041 AUSTRALIA			GORDON, RAQUEL YVETTE	
			ART UNIT	PAPER NUMBER
			2853	

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/780,623	Applicant(s) SILVERBROOK, KIA	
	Examiner Raquel Y. Gordon	Art Unit 2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/19/2004 (this application).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/966,289.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/19/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Silverbrook (Pub. No. US 2004/0119784).

The applied reference has a common inventor* with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

1. A pagewidth color printhead assembly (¶0071) which comprises an ink distribution arrangement (see fig 96 and 97);

A plurality of printhead chips which is mounted on the ink distribution arrangement to span a print medium feed path, each printhead chip comprising

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A substrate (40) that defines a plurality of ink supply channels (3); and

A plurality of ink ejecting nozzles (5) that is arranged on the substrate in fluid communication with the ink supply channels, and the nozzles being arranged in groups with each group of nozzles being in fluid communication with a respective ink supply channel (3, also see claim 1), and the groups of nozzles being arranged in at least three rows each row of nozzles receiving ink of the same color (¶¶ 0012, 0306, and 0355)¹

2. A printhead assembly are claimed in claim 1, in which the groups of nozzles are arranged in first order sets of three rows of groups (see fig 85);
3. A printhead assembly as claimed in claim 1, in which the nozzles of each group are oriented in two rows so that the nozzles of a row of groups of nozzles generated two adjacent lines of print (see fig 85);
4. A printhead assembly as claimed in claim 3, in which the nozzles in each group are arranged in two nozzle rows which are offset with respect to each other so that one row of nozzles in a row of groups generates one of odd and even numbered dots of one line of print while the other row of nozzles generates the other of odd and even numbered dots of an adjacent line of print (¶ 0329);
5. A printhead assembly as claimed in claim 1, in which the first order sets of groups are arranged in a number of second order sets of groups which themselves are arranged in a number of third sets of groups which constitute each printhead chip (see fig 85 and ¶¶ 0234);

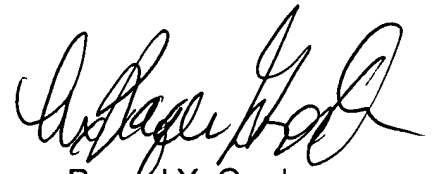
6. A printhead assembly as claimed in claim 1, in which each nozzle incorporates a micro-electromechanical ink ejection mechanism to facilitate the ejection of ink drops (¶0228);
7. A printhead assembly as claimed in claim 6, in which control circuitry is positioned on the substrate and is connected to the ink ejection mechanism, the control circuitry being configured to provide the ink ejection mechanisms with necessary actuating signals (see fig 103 and ¶¶0400-0405).

Contact Information

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Raquel Y. Gordon, whose telephone number is (571) 272-2145. The Examiner can normally be reached on M Tu Th and F 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Stephen Meier can be reached on (571) 272-2149. A fax number is available upon request.

Any inquiry of a general nature or relating to the status of this application or proceeding may be directed to the Examiner or Supervisor.



Raquel Y. Gordon
Primary Examiner
Art Unit 2853
August 5, 2004

RAQUEL GORDON
PRIMARY EXAMINER

¹ Silverbrook (Pub No. US 2004/0119784 A1) teaches a "predetermined color" is directed into the nozzles. Silverbrook does not teach away from each row of nozzles receiving ink in the same color since, as broadly interpreted, any of the colors can be directed into the nozzles similarly to the instant invention.